



I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: May 17, 2004

Signature:

Kathryn L. Nash
(Kathryn L. Nash)

Docket No.: 65937-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael E. Miller et al.

Application No.: 09/707,022

Confirmation No.: 8179

Filed: November 6, 2000

Art Unit: 3681

For: BIOPSY APPARATUS

Examiner: C. A. Marmor

**NOTIFICATION OF FILING OF CONTINUING, DIVISIONAL OR CONTINUED
PROSECUTION APPLICATION**

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Notification is hereby being made of the filing of divisional applications (Attorney Docket No. 65937-0057).

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65937-0002 from which the undersigned is authorized to draw.

Dated: May 17, 2004

Respectfully submitted,

By *Bradley J. Diedrich*

Bradley J. Diedrich

Registration No.: 47,526

RADER, FISHMAN & GRAUER PLLC
39533 Woodward Avenue, Suite 140
Bloomfield Hills, Michigan 48304
(248) 594-0651
Attorney for Applicant



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Dated: May 17, 2004

Signature: Kathryn L. Nash
(Kathryn L. Nash)

Docket No.: 65937-0002
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Michael E. Miller et al.

Allowed: February 17, 2004

Application No.: 09/707,022

Confirmation No.: 8179

Filed: November 6, 2000

Art Unit: 3681

For: BIOPSY APPARATUS

Examiner: C. A. Marmor

**COMMENTS ON STATEMENT OF REASONS
FOR ALLOWANCE UNDER 37 CFR §1.104(e)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant has received the Examiner's Statement of Reasons for Allowance with the February 17, 2004 Notices of Allowance and Allowability regarding the above-identified application. Entry of the Statement into the record should not be construed as any agreement with or acquiescence in the reasoning stated by the Examiner. Each of the claims stands on its own merits and is patentable because of the combination it recites and not because of the presence or absence of any one particular element.

The Examiner's Statement was not prepared by Applicant and only contains the Examiner's possible positions in one or more reasons for allowability. Thus, any interpretation with respect to the Examiner's Statement of Reasons for Allowance should not be imputed to the Applicant.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. 65937-0002 from which the undersigned is authorized to draw.

Dated: May 17, 2004

Respectfully submitted,

By 

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Attorney for Applicant

Practitioner's Docket No. 65937-0002**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: **Michael E. Miller**Application No.: **09 / 707,022**Group No. **3736**Filed: **11/06/2000**Examiner: **Charles A. Marmor II**For: **BIOPSY APPARATUS**☐ Patent No.*: _____

Issued: _____

*NOTE: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS
(37 C.F.R. § 1.27(g)(2))

NOTE: 37 C.F.R. § 1.27(g): "(1) New determination of entitlement to small entity status is needed when issue and maintenance fees are due. Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due.

(2) Notification of loss of entitlement to small entity status is required when issue and maintenance fees are due. Notification of a loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity as defined in paragraph (a) of this section is no longer appropriate. The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b). Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)**37 C.F.R. § 1.10 ***☒ with sufficient postage as first class mail.☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Kathryn L. Nash

(type or print name of person certifying)

Date: May 17, 2004

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: From the above portion of 37 C.F.R. § 1.27(g)(2), it is only a change in status resulting in "loss of entitlement to small entity status" that must be filed and a change from one small entity status to another small entity status requires no notification.

NOTE: Submission of a Change of Status (small/not small entity status) after issuance of the Notice of Allowance in an application does not result in a reduction in patent term adjustment under 37 C.F.R. § 1.704(c)(10). See Notice of May 29, 2001, 1247 OG 111-112, June 26, 2001.

1. Applicant asserted small entity status in this application on 11/06/2000 (date)

(complete all items below which apply)

☒ payment of the basic ☒ filing ☐ national fee as a small entity (37 C.F.R. § 1.27(c)(3))

☐ submission of a written assertion of small entity status (37 C.F.R. § 1.27(c)(1))

WARNING: "Payment of a fee in other than the small entity amount is not sufficient notification that small entity status is no longer appropriate." 37 C.F.R. § 1.27(g)(2).

2. Applicant hereby notifies the Office, in accordance with the requirements of 37 C.F.R. § 1.27(g)(2), that it no longer has status as a small entity.

WARNING: "The notification that small entity status is no longer appropriate must be signed by a party identified in § 1.33(b)." 37 C.F.R. § 1.27(g)(2).

35 C.F.R. § 1.33(b):

"(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

(1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

(2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);

(3) An assignee as provided for under § 3.71(b) of this chapter; or

(4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

Date May 17, 2004

Bradley J. Diedrich

(type or print name of person signing statement)

Bradley J. Diedrich

Signature

- ☐ Inventor(s)
- ☐ Assignee(s) of complete interest
- ☐ Person authorized to sign on behalf of assignee
- ☒ Practitioner of record under § 34(b)
- ☐ Filed under § 34(a)

Registration No:

(if applicable)

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(Notification of Loss of Entitlement to Small Entity Status [7-5]—page 2 of 3)